

ATTORNEY DOCKET NO. 19133.0029U2
SERIAL NO. 09/032,893REMARKS

The undersigned thanks the Examiner for the courtesies shown in the telephone interview of September 3, 2003, which was summarized in paper number 40, mailed September 5, 2003. In this interview, Examiner Juska and Applicants' representative, Jacqueline Hutter, discussed the claims and the prior art. As a result of that interview, Applicants are herewith amending claim 1 to recite the amount of homogenously branched ethylene polymer that is present in the polymer component of the adhesive backing material. Support for this amendment is found on pages 37-38, lines 30-2 of the specification. Additionally, Applicants are amending each of the claims presented herewith to recite carpet tile in addition to the previously presented carpet claims. Support for this amendment is found throughout the specification.

Rejection in Light of Parikh et al. (U.S. Patent No. 6,344,515 B1) ("Parikh et al.")

Claims 1-6, 9-12, and 15-17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Parikh *et al.* in view of U.S. Patent No. 5,545,276 to Higgins and 5,240,530 to Fink. Additionally, claim 17 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Parikh *et al.* in view of U.S. Patent No. 5,741,594 to Jialanella.

Parikh *et al.* discloses pressure sensitive adhesive compositions comprising at least one substantially random interpolymer of ethylene and a vinylidene aromatic monomer or a hindered aliphatic vinylidene monomer and optionally at least one C₃-C₂₀ α -olefin monomer and at least one tackifier. (See abstract.) The compositions can also include an extending or modifying composition that can comprise a homogenous linear or substantially linear ethylene/ α -olefin interpolymer. (See col. 14, lines 31-39.) When the extending or modifying composition is present, it will "typically be present in an amount of from 5 to 75 weight percent." (See col. 19, lines 26-29.)

The claims as currently amended recite that the polymer component of the adhesive backing material comprises from about 80 to about 99 % of an ethylene polymer. There is no suggestion or motivation that the ethylene polymer component of Parikh *et al.* may be increased in any manner. To the contrary, if an ethylene polymer component is present in the polymer compositions therein, it is present only as "an extending or modifying composition." That is, the

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ethylene is present only *in addition to* the pressure sensitive materials therein. Parikh *et al.* thus teaches away from increasing the amount of ethylene polymer because an increase in the ethylene polymer component would necessarily result in a decrease in the component that provides the pressure sensitive adhesive properties of Parikh's *et al.* composition. So, if the pressure sensitive adhesive is decreased, the intended purpose of the compositions of that reference would not be met because the compositions would not be suitable for use as pressure sensitive adhesives. Therefore, in light of the specific recitation of the amount of the ethylene polymer component in the adhesive backing material of the present invention, Parikh *et al.* is not a proper primary reference against the claims as amended.²

Since Parikh *et al.* forms the primary grounds for all rejections in the Office Action, a withdrawal of this reference will result in all of the grounds for rejection stated in the Office Action being rendered moot. In particular, none of Higgins, Fink or Jialanella, whether taken alone or in combination, suggest or motivate the claimed invention. Therefore it is respectfully stated that all rejections presented in the Office Action have been overcome

CONCLUSION

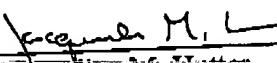
In light of the Amendments and arguments herein, it is believed that the claims are in condition for allowance and Applicants respectfully seek notification of same.

² Notwithstanding the amendments herein, Applicants still contend that Parikh *et al.* does not anticipate or render obvious the compositions and methods disclosed in the application. As such, Applicants are reserving the opportunity to address the applicability of Parikh *et al.* to Applicants' invention in any continuation and/or divisional applications that may be filed.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT are being sent via facsimile transmission addressed to: (703) 872-9310, ATTN: Examiner C. Juska, Box Non-Fee Amendment, Commissioner of Patents, Washington, D.C. 20231 on the date below.


Jacqueline M. Hutter

11/7/03
Date